MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2022/2023

UCR2622 – CRIMINAL LAW II

(All Sections / Groups)

12 JULY 2023

Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to answer **ALL** questions in **PART A** whereas in **PART B** you are required to choose **ONE** question ONLY. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN and ORIGINAL COPY of Penal Code (Act 574) into the exam venue. "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A (ALL QUESTIONS ARE COMPULSORY TO BE ANSWERED)

QUESTION 1

Henry was a shaman or traditional faith healer. One of his regular clients was Layla, a business woman. Layla was running an online skin care and beauty product business when she first met Henry. After numerous sessions of traditional faith healing sessions with Henry, Layla's business started to make huge profits.

Lately, Layla's business had suffered financial difficulties and she had sought Henry's assistance. Layla was told by Henry that her business was suffering because an unnamed competitor had put an evil curse on her and her business. Henry told Layla that he was the only shaman or traditional faith healer who can heal her and lift the evil curse.

As part of the healing process, Layla was to have sexual intercourse with Henry on a weekly basis. Henry assured Layla that her business will be profitable again within 2 months from the start of the treatment. Layla agreed to Henry's proposal.

Two months went by, and Layla's business did not improve but became even worse than before. Realising that Henry had taken advantage of her gullibility and ignorance, Layla has made a police report alleging that she was raped by Henry.

Discuss Henry

a) on his possible liability, (15 marks)

b) on any defence/s available. (10 marks)

(Total 25 marks)

QUESTION 2

Aduka and Bendul were two petty thieves who were also best friends. One night at about 11.00 pm, while they were walking along Jalan Bukit Beruang, they noticed a motorcycle belonging to Ah Choo parked beside the 7 Eleven outlet. After confirming that no one was around, both Aduka and Bendul pushed the motorcycle into a back lane behind the row of shophouses. Unknown to them, their deed was caught on camera by the 7 Eleven outlet. They then proceeded to dismantle the motorcycle engine which they later sold to Pagar, a mechanic who owns a motorcycle repair shop. Pagar had paid them RM500.00 for the dismantled engine.

Ah Choo upon finding his motorcycle the next day made a police report and Aduka, Bendul and Pagar were arrested. The police found a dismantled motorcycle engine in Pagar' motorcycle repair shop whose engine number matched with the number in the motorcycle registration card of the motorcycle belonging to Ah Choo.

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Discuss

a) Aduka and Bendul on their possible offence/s and liabilities. (15 marks)

b) Pagar on his possible offence/s and liability. (10 marks)

(Total 25 marks)

QUESTION 3

Raja and Raul were good friends. They have the habit of committing mischievous acts together. One day, while the two were riding together using a motorcycle which Raja had borrowed from his brother-in-law, Maniam, they passed by Mr Robert's house. Raja told Raul that Mr Robert had lodged complaints against them for disturbing the community, hence, they should teach him a lesson. Raul agreed and asked Raja to stop and wait for him outside Mr Robert's gate. Raja watched Raul climb over Mr Robert's fence as he guarded from any passersby. He waited for Raul without switching off the motorcycle engine so that they could run away if anyone came to intervene.

Inside Mr Robert's compound, Raul found a beautiful pot and took it away. He also smashed Mr Robert's house window and it triggered the security alarm as the window was broken. Raul immediately jumped over the gate to run away while Raja waited for him. Before they could leave, a police patrol car stopped them, and they were arrested. At the police station, Raja saw Maniam who lodged a police report against him as he failed to return his motorcycle after borrowing it for a month.

Based on the above, discuss Raju and Raul liabilities.

(Total 25 marks)

PART B (CHOOSE ONE OUT OF THE TWO QUESTIONS)

QUESTION 4

Hassan was a teller at Bank Kaya (the bank) and was given a unique ID number and password to access the bank's customer account. He was responsible for managing and processing all applications involving depositors, be it an application for money deposit or withdrawal and other matters pertaining to the administration of the bank. Yati was Hassan's fiancé, and they were planning to tie the knot soon.

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One day, Yati told Hassan that she was having a big problem as her father, Din, had been threatened by the loan-shark for failing to pay his debt. The loan-shark said that her father would be killed if he still fails to pay his debt within a week. She begged Hassan for help and asked him to loan her some money so that she could pay the debt amounting to RM50,000. Hassan told Yati that he had no money of such value, but he would do anything to help her. Yati, who was an auditor, persuaded Hassan to withdraw RM1.00 from each of the bank's customer accounts so that they could raise the amount. She convinced Hassan that the customers would not be aware of such withdrawal, and they might have thought that it was a mere service charge. She also told Hassan that she had sold a laptop owned by AK Lee & Associates, her employer, without their permission as she was desperate to get the money. Hassan said he would consider the suggestion and would look for a solution.

The next day, Hassan hacked into the bank's system and managed to withdraw RM1.00 from almost 10,000 accounts. The system suddenly ceased its operation after detecting suspicious transactions. Hassan was later detained by the police after the bank lodged a police report against him. During interrogation, Hassan stated that he was merely helping Yati's father who was facing a life-threatening situation and that the money could be replaced back in the future.

Yati was also arrested after her employer lodged a police report for her act of disposing of the firm's laptop. As for Hassan's misconduct, Yati denied any liability as she did not help Hassan in any way. She claimed that it was a genuine mistake as she never believed Hassan would follow her idea.

Based on the above, assess the criminal liabilities of Hassan and Yati respectively and their possible defences.

(Total 25 marks)

QUESTION 5

John and James were former government servants who had been expelled from their respective offices due to disciplinary issues. Since their benefits have been forfeited as part of the punishments, they were in dire need of money to maintain their lives and those under their care. Hence John planned with James to fake MyKad documents and letters from public universities in order to fraudulently withdraw money from the Employee Provident Fund (EPF) on the grounds of educational withdrawal. Most of the accounts they targeted belonged to their colleagues who had passed away in service before the age of retirement and without any beneficiary. After they managed to print the fake documents and letters, John and James went together to at least four EPF offices to submit their applications using different identities and letters to apply for withdrawals amounting to RM 100,000.00. After waiting for two weeks, they managed to get the monies credited in their account and they were so happy.

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John gave his sister, Linda, a cancer patient, his share of money amounted to RM10,000 for her treatment. Linda was shocked with the gift as she knew that John was unemployed and that he had been involved in illegal activities. Nevertheless, she accepted the gift, believing that John was sincere in giving her the money. A week after that, John, James and Linda were arrested for the scam and the money kept by them.

Based on the above:

a) Assess the criminal liabilities of John, James and Linda respectively.

(15 marks)

b) If John and James argued that their act was necessary for them to survive their daily needs as they were jobless; and Linda raised that she genuinely thought the money came from a legitimate source, predict whether they could absolve their criminal liabilities.

(10 marks)

(Total 25 marks)

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